

10/19/2010

#9

02911.012020.3.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: D. Margaret M. Seaman
BENOIT LEDOUSSAL, ET AL.)
: Art Unit: 1625
Application No.: 10/085,786)
: Confirmation No.: 2010
Filed: February 28, 2002)
:
For: ANTIMICROBIAL QUINOLONES,)
: THEIR COMPOSITIONS)
: AND USES)
: October 19, 2010

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.137(b) TO
REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-identified application, which became abandoned for failure to timely reply to a non-final Office Action dated October 1, 2002 ("Office Action"), for co-pendency with subsequently filed U.S. Application No. 10/392,476 ("the '476 application"), issued as U.S. Patent No. 6,849,740. The following events may be of note:

- A non-final Office Action dated October 1, 2002, was issued.
- A new continuation application claiming priority to the present application was filed on March 18, 2003, by the former owners The

Procter & Gamble Company ("P&G"). Adjustment date: 03/01/2011 CKHLOK
10/20/2010 INTEFSW 00001512 503939 10005786
02 FC:1253 1110.00 CR

- Based on the U.S. Patent and Trademark Office (“USPTO”) records, it appears that a petition to extend the time for response to the Office Action was not filed by P&G in order to maintain co-pendency of the present application with the ‘476 application. However, it is noted that when the present application and the ‘476 application were filed, an authorization to charge any additional fee required under 37 C.F.R. §§1.16 and 1.17 and a Deposit Account Number to charge the same were provided by P&G.
- A Notice of Abandonment for failure to respond to the Office Action was mailed on April 17, 2003.
- The new continuation application was assigned U.S. Application No. 10/392,476 and a filing date of March 18, 2003.

Applicants petition to extend the time for response to the Office Action for three months, from January 1, 2003, to April 1, 2003. The \$1,110.00 extension fee is submitted herewith. Please charge any additional fee required, and credit any overpayment, to Deposit Account 50-3939.

In conformity with 37 C.F.R. §1.137(b)(1), and in response to the Office Action, it is submitted that the required reply was met with the filing of the continuing application (the ‘476 application). In accordance with 37 C.F.R. §1.137(b)(2), the \$1,620.00 petition fee required under 37 C.F.R. §1.17(m) is submitted herewith via Deposit Account 50-3939. Any additional fees required to process this Petition can be charged to, or any overpayment can be credited to, Deposit Account 50-3939. Because this application was filed after June 8, 1995, no Terminal Disclaimer is required in accordance with 37 C.F.R. §1.137(d).

The entire delay in filing the required petition to extend the time for response to the Office Action until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. In view of the foregoing, the Commissioner is respectfully requested to revive the above-identified application for co-pendency with subsequently filed '476 application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Raymond R. Mandra/
Raymond R. Mandra
Attorney for Applicants
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FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

Electronic Patent Application Fee Transmittal

Application Number:	10085786			
Filing Date:	28-Feb-2002			
Title of Invention:	Antimicrobial quinolones, their compositions and uses			
First Named Inventor/Applicant Name:	Benoit Ledoussal			
Filer:	Raymond Richard Mandra/Sujatha Vathyam			
Attorney Docket Number:	02911.012020.3			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition-revive unintent. abandoned appl	1453	1	1620	1620
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1110	1110
Miscellaneous:				
Total in USD (\$)				2730

Electronic Acknowledgement Receipt

EFS ID:	8654545
Application Number:	10085786
International Application Number:	
Confirmation Number:	2010
Title of Invention:	Antimicrobial quinolones, their compositions and uses
First Named Inventor/Applicant Name:	Benoit Ledoussal
Customer Number:	05514
Filer:	Raymond Richard Mandra/DAVID NGUY
Filer Authorized By:	Raymond Richard Mandra
Attorney Docket Number:	02911.012020.3
Receipt Date:	19-OCT-2010
Filing Date:	28-FEB-2002
Time Stamp:	15:08:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$2730
RAM confirmation Number	1512
Deposit Account	503939
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review by the Office of Petitions.	02911-012020-3-Petition-To-Revive-For-Copendency.pdf	9738 b703ff0ee1597ba0f00c0f042c9931d2519d4Becc	no	3

Warnings:**Information:**

2	Fee Worksheet (PTO-875)	fee-info.pdf	32117 e2d7f7f2f5048f3907626b472a82b7808dab94ee	no	2
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Warnings:**Information:**

Total Files Size (in bytes):	41855
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.